UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,264	10/22/2001	Mark H. Lucovsky	3090	9015

7590   03/21/2005

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ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

DETAILED ACTION

1.   Claims 1-5 are pending in Application No. 10/021,264, entitled "Schema-Based Services

for Identity-Based Access to Calendar", filed 10/22/2001 by Lucovsky et al. Claims 1 and 4 are

independent.

2.   The Office acknowledges three Information Disclosure Statements filed on 6/4/2004,

9/20/2004 and 1/24/2005.

Priority

3.   Applicant claims benefit of provisional application 60/275,809 filed 3/14/2001.

Office Comments

4.   The Office notes that while Applicant was given 2 months to file an oath/declaration in

the Notice to File Missing Parts (NFMP) dated 1/17/2002, that Applicant did not file such

missing documentation until 3/17/2002. Applicant failed to request an extension of time of 1

month, pursuant to 37 CFR 1.1.36(a) and as set forth in the NFMP, and thus is in arrears as to the

payment of the appropriate fees.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6.   **Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting** as being unpatentable over claim 6 of U.S. Patent Application Publication No. 2003/0131073 (Application Ser. No. 10/017,680). This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: the use of schemas in the implementation of a calendar service application.

Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claim 1: Claim 6 of the conflicting application (10/017,680) is directed to a method in which the services schema of claim 1 (10/017,680) corresponds to a calendar service. Written as such, claim 1 of the instant application is an obvious variant of claim 6 (10/017,680).

These claims differ in that claim 1 of the instant application is "receiving a data access request directed to contact information", whereas claim 6 (10/017,680) is "receiving a data access request directed to service information". Claim 1 of the instant application appears to be only stating a subset of the information (i.e., contact information) required to implement claimed services of both the instant application and application no. 10/017,680. Refer to the first sentence in the Abstract of 10/017,680 indicating that this application discloses a "schema-based **contacts** service for Internet access to per-user contact data, wherein access is based on each user's identity". Thus claims 1 (instant application) and 6 (10/017,680, the conflicting application) are not patentably distinct from each other.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include contact information in claim 1, because such contact information allowed for access of a requested service by the appropriate requesting (i.e., contacting) entity.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   **Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to independent claim 1, this claim recites the terms/phrases "calendar schema" and "logical calendar document". One skilled in the art would equate these documents (i.e., a schema is a data model, and therefore logically represents the actual data). The use of such terminology renders the claim vague and indefinite.

Claims 2-3 are dependent upon claim 1 and therefore likewise rejected.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claims 1-5 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Wang et al (US Patent No. 6,018,343, filed Sep. 27, 1996, hereafter referred to as "Wang") in view of Michael Morrison et al., <u>XML Unleashed</u>, Sam's Publishing, Indianapolis, IN, Dec. 1999, pp. 26-37, 84-104 and 106-122., hereafter referred to as "Morrison").

Regarding independent claim 1, Wang discloses:

> *In a computer network (col. 1 lines 5-6), a method comprising:*
> *...;*
> *receiving a data access request directed to contact information, the request including associated identity information; (code at col. 7 lines 38-60) and*

> *in response to the data access request, manipulating at least one set of*
> *data in a logical calendar document that includes data therein according to the*
> *associated identity information* (code at col. 7 lines 38-60), ...

However, Wang does not explicitly disclose:

> ...
>
> *providing a calendar schema, the calendar schema having calendar-*
> *related fields arranged into a content document with defined structures for the*
> *fields;*
> ...
> *..., each set of data in the logical calendar document structured to*
> *correspond to a field in the content document.*

Morrison, though, discloses:

> ...
>
> *providing a calendar schema, the calendar schema having calendar-*
> *related fields arranged into a content document with defined structures for the*
> *fields;* (Use of schemas to model a class of data is well known in the XML
> programming art, as described on p. 26 1st paragraph under "XML Data Modeling
> Basics". Additionally, the p. 33 Listing 2.3 shows a schema with defined
> structures for fields.)
> ...
> *..., each set of data in the logical calendar document structured to*
> *correspond to a field in the content document.* (p. 33 Listing 2.3 shows a logical
> address book document, it being a matter of obvious design choice what type of
> document is logically modeled.)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Morrison for the benefit of Wang, because to do so would enable

machine validation of document structure, as taught by Morrison in the 3rd paragraph of p. 27.

These references were all applicable to the same field of endeavor, i.e., web based programming.

Regarding claim 2, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed. Wang further discloses:

> *wherein manipulating at least one set of data comprises reading data from at least one field* (code at col. 7 lines 55-60) ... .

However, Wang does not explicitly disclose:

> *... in the logical calendar document.*

Morrison, though, discloses:

> *... in the logical calendar document.* (p. 33 Listing 2.3 shows a logical address book document having fields, it being a matter of obvious design choice what type of document is logically modeled.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Morrison for the benefit of Wang, because to do so would enable machine validation of document structure, as taught by Morrison in the 3rd paragraph of p. 27. These references were all applicable to the same field of endeavor, i.e., web based programming.

Regarding claim 3, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed. Wang further discloses:

> *wherein manipulating at least one set of data comprises writing data to at least field* (code at col. 8 lines 22-27) ... .

However, Wang does not explicitly disclose:

> ... *in the logical calendar document.*

Morrison, though, discloses:

> ... *in the logical calendar document.* (p. 33 Listing 2.3 shows a logical
> address book document having fields, it being a matter of obvious design choice
> what type of document is logically modeled.)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply the teachings of Morrison for the benefit of Wang, because to do so would enable

machine validation of document structure, as taught by Morrison in the 3rd paragraph of p. 27.

These references were all applicable to the same field of endeavor, i.e., web based programming.

Regarding independent claim 4, Wang discloses:

> *In a computer network* (col. 1 lines 5-6), *a method comprising:*
> *receiving a request to retrieve calendar data, the request including*
> *associated identity information;* (code at col. 7 lines 38-60)
> *reading from a data store to obtain calendar data based on the associated*
> *identity information;* (code at col. 7 lines 45-60)
> ... *; and*
> *returning the document in response to the request.* (col. 6 line 65 – col. 7
> line 8)

However, Wang does not explicitly disclose:

> ...
>
> ...
> ...
>
> *constructing a calendar document including at least part of the data, the*
> *document arranged according to a defined schema for calendar data; and*
> ... .

Morrison, though, discloses:

> ...
>
>> ...
>>
>> ...
>>
>> *constructing a calendar document including at least part of the data, the document arranged according to a defined schema for calendar data;* (Use of schemas to model a class of data is well known in the XML programming art, as described on p. 26 1st paragraph under "XML Data Modeling Basics". Additionally, the p. 33 Listing 2.3 shows a schema with defined structures for fields.) *and*
>>
>> ... .

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Morrison for the benefit of Wang, because to do so would enable machine validation of document structure, as taught by Morrison in the 3rd paragraph of p. 27. These references were all applicable to the same field of endeavor, i.e., web based programming.

Regarding claim 5, which is dependent upon claim 4, the limitations of claim 4 have been previously addressed.

However, Wang does not explicitly disclose:

> *wherein the schema includes at least one defined field for extending the schema.*

Morrison, though, discloses:

> *wherein the schema includes at least one defined field for extending the schema.* (p. 93 section entitled "The name and model Attributes" discusses an open model architecture, which provides for a very extensible schema.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Morrison for the benefit of Wang, because to do so would enable

machine validation of document structure, as taught by Morrison in the 3rd paragraph of p. 27.

These references were all applicable to the same field of endeavor, i.e., web based programming.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Such prior art is considered to be relevant to the current application, but has not been

rigorously analyzed/weighed as to whether it could be used to set forth stronger arguments

regarding prior art rejections. This action does not disqualify any cited prior art from use in

future proceedings.

Non-patent Literature

Morrison, Michael, et al., XML Unleashed, Sam's Publishing, Indianapolis, IN, Dec. 1999, pp. 26-37, 84-104 and 106-122.

Padwick, Gordon, Special Edition, Using Microsoft Outlook 2000, Que Corporation, Indianapolis, IN, May 1999, pp. 370-376, 382-386 and 392-396.

"Hailstorm Announcement", Bill Gates' Speech, Mar. 19, 2001, pp. 1-25, downloaded from: www.microsoft.com/billgates/speeches/2001/03-19hailstorm.asp.

US Patent Application Publications

Lucovsky et al	US2003/0131073
Ramachandran et al	US2003/0140112
Mui et al	US2003/0229529
Fish	US2003/0220891
Helgeson et al	US2002/0049749
Friedman et al	US2002/0154161
Mansikkaniemi et al	US2002/0065881
Mansikkaniemi et al	US2002/0063732
Rapp et al	US2002/0116232

US Patents

Lange et al	6,839,733
Blants	6,732,080

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102.

The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: March 4, 2005

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PRIMARY EXAMINER